2026:CGHC:21171

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1694 of 2023

1 - Smt. Rukhmani Verma W/o Late Human Lal Verma Aged About 30 Years Occupation House Wife, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

2 - Kumari Maya Verma D/o Late Human Lal Verma Aged About 6 Years Minor Student In 2nd Class, Minor Legal Guardian Mother Smt. Rukhmani Verma W/o Late Human Lal Verma, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

3 - Kumari Mamta Verma D/o Late Human Lal Verma Aged About 6 Years Minor Student In 2nd Class, Minor Legal Guardian Mother Smt. Rukhmani Verma W/o Late Human Lal Verma, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

4 - Lucky Verma S/o Late Human Lal Verma Aged About 3 Years Minor Legal Guardian Mother Smt. Rukhmani Verma W/o Late Human Lal Verma, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

5 - Nuklal S/o Jhumuk Lal Aged About 56 Years Occupation Labour, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

6 - Rameshwari Bai W/o Nuklal Verma Aged About 53 Years Occupation Agriculturist, Labourer, R/o Village Aaliwara, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Claimant)

... Appellant(s)

versus

1 - Dinesh Kumar Sahu S/o Chandresh Sahu Aged About 26 Years Occupation Driver, R/o Village Bazar Chowk, Musrakala, Police Station And Tahsil Dongargarh, District Rajnandgaon (C.G.) (Driver Of Offending Vehicle)

2 - Devesh Rai S/o Karibhushan Rai Aged About 69 Years Owner, R/o Qt. No. 10/a, Devkunj, Near Pal Kirana Stores, Ashish Nagar, Civic Centre, Bhilai, District Durg (C.G.) (Owner Of Offending Vehicle)

3 - The New India Insurance Company Limited Through Branch Manager, The New India Insurance Company Limited, Branch Office, Grih Nirman Bhawan, 2nd Floor, New Bus Stand Rajnandgaon (C.G.) (Insurer Of Offending Vehicle) **... Respondent(s)**

For Appellants	: Mr. Utkarsh Patel, Advocate
For Respondent Nos. 1 & 2	: None
For Respondent Nos. 3	: Mr. Deepak Gupta. Advocate

Hon'ble Shri Justice Sachin Singh Rajput,

Order on Board

06.05.2026

1) This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, “MV Act”) has been preferred by the appellants/claimants, being aggrieved by the award dated 30.06.2023 passed by 3rd Additional Motor Accident Claims Tribunal, Rajnandgaon District Rajnandgaon (C.G.) (for short, “the learned Tribunal”) in Claim Case No. 14/2022.

2) By the impugned award, the learned Tribunal has awarded compensation of Rs. 16,77,000/- to the appellants/claimants on account of the death of deceased Human Verma in a motor accident that occurred on 30.06.2023 due to rash and negligent driving of the offending vehicle (Maruti Suzuki) bearing Registration No. CG-10-K-7035, driven by respondent No. 1, owned by the respondent No.2 and insured with respondent No. 3. As a result of the said accident, the deceased sustained fatal injuries and succumbed to the same.

3) As per the pleadings, the deceased Human Lal Verma was aged about 39 years and was working as a vegetable vendor, earning Rs. 25,000/- per month. The appellants/claimants were wholly dependent upon his income, Therefore, the claimants have filed the application seeking

compensation of Rs. 70,70,000/- on account of the death of the deceased.

4) Respondent No. 1 & 2 (driver and owner) filed their written statement denying the averments made in the claim petition. Respondent No. 3 (Insurance Company), in the usual course, also denied the averments and further pleaded that the driver of the offending vehicle did not possess a valid and effective driving licence and that there was violation of the terms and conditions of the insurance policy.

5) On the basis of the aforesaid pleadings, the learned Tribunal framed five issues and, upon appreciation of the evidence available on record, decided the same in favour of the appellants/claimants and awarded the aforesaid compensation.

6) Learned counsel for the appellants/claimants submits that the deceased, aged about 29 years, was a vegetable vendor earning Rs. 25,000/- per month; however, the learned Tribunal has assessed his income at only Rs. 8,000/-, which warrants suitable enhancement. It is further submitted that there are 6 dependents in the family, and it is extremely difficult to sustain such a family on the meagre income assessed by the Tribunal. Hence, enhancement of compensation is prayed for.

7) Per contra, learned counsel for respondent No. 3 supported the impugned award and submitted that no documentary evidence was brought on record to substantiate the profession and pleadings relating to the income of the deceased. It was further contended that, in view of the evidence available on record, the findings recorded by the learned Tribunal are just and proper, and the compensation awarded is fair, reasonable, and does not warrant any interference by this Court.

8) I have heard learned counsel for the parties, considered their rival submissions, and perused the record.

9) Considering the evidence available on record, it is evident that the deceased was engaged in the occupation of a vegetable vendor and was alleged to be earning Rs. 25,000/- per month; however, no

documentary evidence was brought on record in support of the said income and the learned Tribunal assessed the monthly income of the deceased at Rs. 8,000/- and further 6 dependents were relying upon his income, including his widow aged about 30 years, three minor childern aged about 6 years, 6 years and 3 years, and his mother aged about 53 years and his father aged about 56 years . The deceased was about 39 years of age at the time of the accident. Taking into account the nature of work, number of dependents, age of the deceased, date of accident, and the prevailing minimum wages at the relevant time, this Court is of the view that the income assessed by the learned Claims Tribunal is on the lower side. In the facts and circumstances of the case, and considering inflationary trends, the monthly income of the deceased is assessed at Rs. 12,000/-, which can safely be taken as a reasonable income for sustaining a family of 6 dependents.

10) In light of the above and taking guidance from the judgment of Hon'ble Supreme Court in the matter of **National Insurance Company Ltd. V. Pranay Sethi and others; (2017) 16 SCC 680, Sarla Verma & Ors. Vs. Delhi Transport Corporation & Ors; (2009) 6 SCC 121** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram & Ors; (2018) 18 SCC 130,** this Court is recomputing the compensation as below:-

S.N	Particular	Awarded by this Court
1.	Monthly Income of the deceased	12,000/-
2.	Future Prospects @ 40%	4,800/-
3.	Total Income	16,800/-
4.	Total Yearly Income	16,800 X12= 2,01,600/-
5.	Personal expenditure (1/4)	2,01,600/4= 50,400/-
6.	Net Income	2,01,600-50,400= 1,51,200/-
7.	Multiplier of 15 applied to assess total loss of dependency	1,51,200 X15= 22,68,000/-
8.	Funeral Expenses awarded by the Tribunal	16,500/-
9.	Loss of estate awarded	16,500/-

	by the Tribunal	
10.	Spousal Consortium to appellant No. 1	44,000/-
11	Parental Consortium to appellants No. 2 to 4	40,000x3 =1,20,000/-
12	Filial Consortium to appellant No. 5 & 6	40,000x2=80000
	Total compensation	25,45,000/-

11) For the forgoing reasons, the appeal is allowed in part. The amount of compensation of Rs. 16,77,000/- awarded by the Tribunal is enhanced to Rs. 25,45,000/-. Hence, after deducting the amount of Rs. 16,77,000/-, the appellants/claimants are held entitled for an additional amount of Rs. 8,68,000/-. The additional amount shall carry interest @6% per anuum from the date of appeal i.e. 29.09.2023. The impugned award stands modified to the above extent.

12) The respondent No. 3–Insurance Company is directed to deposit the amount of compensation as enhanced by this Court within a period of sixty (60) days from today. Upon such deposit being made, a sum of Rs. 1,50,000/- each shall be invested in the name of appellants No. 2 to 4 in the form of a Fixed Deposit Receipt (FDR) in any Nationalized Bank until they attain the age of majority. A sum of Rs. 3,00,000/- shall be invested in the name of appellant No.1 in FDR in any Nationalized Bank for a period of two years. Rs. 50,000/- each shall be disbursed to the appellants No. 5 & 6. The balance amount shall be released to appellant No. 1 by way of bank transfer/account payee cheque.

13) Consequently, the appeal is **partly allowed.**

Sd/-

(Sachin Singh Rajput)
Judge

Jyoti